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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,426	08/14/2006	Walter Kogel	11839/47	9463
26646 7590 09/17/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER ARCE DIAZ, MARLON A				
ART UNIT		PAPER NUMBER		
3611				
MAIL DATE		DELIVERY MODE		
09/17/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/589,426

**Applicant(s)**

KOGEL ET AL.

**Examiner**

MARLON A. ARCE DIAZ

**Art Unit**

3611

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-23 and 25-33 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date 9/25/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 28 is objected to because of the following informalities: the words " are acuatable" in line 2 should be changed to "actuate". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-23,25 and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Elser (US 5080186). Elser discloses a servo-assisted steering system comprising: a steering spindle (10), connected to a steering handle through the steering wheel shaft (2) and to a rotary slide valve (6,7,8), a hydraulic servomotor (Col 2, lines 54-57) to actuate the output member (17,18); wherein, the hydraulic servomotor receives pressurized media into the chambers (13,14) by means of the rotary valve (Col 4, lines 43-48). Elser further discloses an electric servomotor (21) acting on a member that is also being acted on by the spindle (10), said member is part of the rotary slide valve and it's called a rotary slide (7). Regarding claim 18, the steering system shown by Elser is a hydraulic power steering system. Regarding claim 19, the electric servomotor acts on the output member through the spindle and the rotary slide valve. Regarding claim 20, the electric servomotor by a control device (23) as a function of a

speed sensor (24), a load sensor (25) and a torque sensor (22). Regarding claim 21, the electric servomotor acts on a worm gear (4). Regarding claim 23, the hydraulic servomotor has a piston (15) and is connected to the rotary slide valve (fig 1) by various members, one of them being the ball chain (16) {{second torsion member mentioned by applicant}}. Regarding claim 25, the functionality of the electric servomotor is to work as driver assistance for the steering system. Regarding claim 29, see figure 1. Regarding claim 30, member (10) can be seen as the first torsion element, also, the ball chain (16) has to be torsionally stiffer in order to receive the torsional forces and transmit the torsional forces being outputted by the motors. Regarding claim 32, the steering system disclosed by Elser can be mounted onto various types of vehicles, including a commercial vehicle. Regarding claim 33, see figure 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26,27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elser (US 5080186). Elser mentioned above fails to show the failure of the electric servomotor being overtaken by the hydraulic servomotor and vice-versa. However, it would be obvious for someone skilled in the art to know that most of the time a hydraulic and electric steering systems are combined in order to back each other up in case a failure of either the hydraulic or the electric system happens to occur; and when that

occurs, one of the systems overtakes the other one by overriding one of the torsional outputs in order to actuate the output member.

***Allowable Subject Matter***

5. Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARLON A. ARCE DIAZ whose telephone number is (571)272-1341. The examiner can normally be reached on Mon-Fri 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marlon Arce-Diaz

8/10/08

MAA

/Paul N. Dickson/  
Acting SPE of Art Unit 3611